

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC LARINK,

Defendant.

Case No. 1:23-cr-90

HON. JANE M. BECKERING

**ORDER REGARDING REPORT AND RECOMMENDATION**

On December 20, 2023, the United States Magistrate Judge issued a Report and Recommendation (R&R), accepting Defendant's plea of guilty, subject to final acceptance of the plea by the District Judge; reserving acceptance of the plea agreement (ECF No. 17) for the District Judge; and recommending that the District Judge "reject paragraph 14 of the Plea Agreement which contains the so-called 'Hyde Waiver,' as against public policy and void as a matter of law" (R&R, ECF No. 20 at PageID.43). The parties filed a Joint Submission regarding the "Hyde Waiver" paragraph (ECF No. 24).

Having reviewed the Report and Recommendation and the Joint Submission, the Court determines that the Magistrate Judge's recommendation to reject Paragraph 14 of the Plea Agreement is properly rejected. "It is well settled that a defendant may waive any right, even a constitutional right, by means of a plea agreement." *United States v. Sawyer*, 825 F.3d 287, 291 (6th Cir. 2016) (citation omitted). The Court finds the Hyde waiver permissible and an accepted practice within this district. Accordingly:

**IT IS HEREBY ORDERED** that:

1. The Report and Recommendation of the Magistrate Judge (ECF No. 20) is APPROVED IN PART and REJECTED IN PART; specifically, the Court rejects the Magistrate Judge's recommendation to reject Paragraph 14 of the Plea Agreement but otherwise approves and adopts the remainder of the Report and Recommendation as the Opinion of the Court.

2. Defendant's plea of guilty is accepted, and Defendant is adjudicated guilty of the charge set forth in Count Three of the Indictment.

3. The written plea agreement is hereby continued under advisement pending sentencing.

Dated: January 18, 2024

/s/ Jane M. Beckering  
JANE M. BECKERING  
United States District Judge